

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD.,

Plaintiff,

v.

SAREPTA THERAPEUTICS, INC.,

C.A. No. 21-1015 (JLH)

Defendant.

SAREPTA THERAPEUTICS, INC. and
THE UNIVERSITY OF WESTERN
AUSTRALIA,

Defendant/Counter-Plaintiffs,

v.

NIPPON SHINYAKU CO., LTD.
and NS PHARMA, INC.

Plaintiff/Counter-Defendants.

STIPULATION AND [PROPOSED] AMENDED SCHEDULING ORDER

WHEREAS, the parties have conferred and have agreed to extend certain discovery deadlines and limitations in connection with the continued trial (*see* D.I. 585);

WHEREAS, the proposed deadlines do not affect the court-ordered dates for the pretrial conference and trial;

WHEREAS, this Stipulation and [Proposed] Amended Scheduling Order is subject to the issues raised in the parties' joint letter filed contemporaneously herewith;

IT IS HEREBY STIPULATED AND AGREED, by the parties, subject to the approval of the Court, that the following deadlines and conditions shall apply:

Event	Proposed Deadline
Supplemental Technical Expert Opening Reports (Hastings/Wood*) (related to issues for which Nippon Shinyaku bears the burden of proof that are implicated by the Court's clarified and/or amended claim construction (D.I. 573)) <i>*As set forth in the letter filed contemporaneously herewith, Sarepta believes Dr. Wood remains bound by his sworn promise to not opine on invalidity of the Wilton Patent.</i>	July 3, 2024
Supplemental Technical Expert Rebuttal Report (Dowdy) (responding to Supplemental Technical Expert Opening Reports)	August 14, 2024
Supplemental Technical Expert Reply Reports (Hastings/Wood) (replying to Supplemental Technical Expert Rebuttal Report)	September 4, 2024
Complete Expert Depositions of Drs. Hastings, Wood, and/or Dowdy (depositions limited to 3.5 hours per expert and the content of the Supplemental Technical Expert Reports)	September 25, 2024
Deadline to file any <i>Daubert</i> motions limited to Supplemental Technical Expert Reports and the related Technical Expert Depositions* (limited to 20 pages for the opening briefs, 20 pages for answering briefs, and 10 pages for reply briefs, per side) <i>*As set forth in the letter filed contemporaneously herewith, NS suggests that this also be the deadline for any supplemental summary judgment motions. Sarepta disagrees that a second round of summary judgment motions has been contemplated by the Court or is appropriate. ***</i>	October 2, 2024
Deadline for Producing Supplemental Financial Information (including information current at least through August 31, 2024)	October 25, 2024
Supplemental Opening Financial Expert Reports (Hosfield/Jarosz) (related to supplemental production)	November 5, 2024
Supplemental Responsive Financial Expert Reports (Hosfield/Jarosz) (related to supplemental production ¹)	November 12, 2024

¹ Subject to resolution of the issues raised by Nippon Shinyaku and NS Pharma's Letter Brief Regarding Late Produced Licensing and No Lost Profits (D.I. 568) and Sarepta's response (D.I. 572).

*** A party that believes it is entitled to summary judgment based on an issue affected by the supplemental expert reports may file a three-page letter seeking leave to file summary judgment on October 2, 2024.

Deadline to File Revised Proposed Voir Dire, Preliminary Jury Instructions, Final Jury Instructions, and Pretrial Order	November 22, 2024
Pretrial Conference	December 6, 2024 (no change)
Jury Selection before Magistrate Judge (See 2024-05-09 Status Conference Tr. 6:17-7:12)	December 13, 2024 (no change)
Trial (5 Day Jury trial)	December 16 – 20, 2024 (no change)

Dated: July 1, 2024

MORGAN, LEWIS & BOCKIUS LLP

/s/ Amy M. Dudash

Amy M. Dudash (#5741)
1201 North Market Street, Suite 2201
Wilmington, DE 19801
(302) 574-3000
amy.dudash@morganlewis.com

Attorney for Plaintiffs

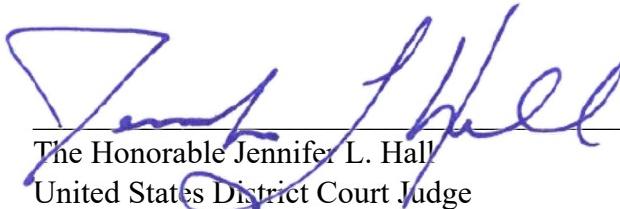
MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Megan E. Dellinger

Jack B. Blumenfeld (#1014)
Megan E. Dellinger (#5739)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
mdellinger@morrisnichols.com

Attorneys for Defendants

SO ORDERED this 2nd day of July, 2024.



The Honorable Jennifer L. Hall
United States District Court Judge